IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28175 of 2008
BINAY PRAKASH UPADHYAY & ORS
Versus
STATE OF BIHAR
---

2 **28.08.2008** Heard learned counsel for the petitioners and the State.

Petitioners are accused in a case registered for the offences under Sections 406/409 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the allegations against these petitioners, who were the Inspectors of Home Guard at the material time, is that they were allegedly not maintaining proper cash register & advise register. It is further submitted that later on, on the orders of the District Commandant the defects pointed out in the inspection were removed by the petitioners, and accordingly, certificate was issued by the department that now no irregularity has remained on their part. It is further contended that one of the accused namely, Bilat Das, having similar allegations as that of this petitioner, has been allowed bail by this Court as per the order dated 05.04.2004, as contained in Annexure-5 of the petition.

WEB COPY NOT OFFICIAL

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it

is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, namely, Binay Prakash Upadhyay, Saryu Prasad & Nand Kishore Prasad be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, in connection with Bettiah Town P.S.Case No. 163 of 2002 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**

WEB COPY NOT OFFICIAL